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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Harvey et al.

Confirmation No.: 7210

Serial No.: 09/998,716

Art Unit: 1632

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Examiner: Michael C. Wilson

For: OVOMUCOID PROMOTER AND  
METHODS OF USE

Attorney Docket No: 11106-026  
(formerly AVI 019)

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**AMENDMENT UNDER 37 C.F.R. §1.111 AND ELECTION UNDER 35 U.S.C. § 121**

Mail Stop Sequence  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

S I R:

In reply to Office Action dated May 22, 2003, please enter the amendments set forth below and consider the remarks which follow.

**Amendments to the Specification** begin on page 2 of this paper.

**Amendments to the Drawings** begin on page 4 of this paper and include four attached replacement sheets.

**Remarks** begin on page 5 of this paper.

Applicants submit concurrently herewith: (a) a Response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures ("Notice to Comply") and Transmittal of Substitute Sequence Listing; (b) a Revocation and Power of Attorney executed on behalf on Avigenics, Inc. by Carl E. Marharver, Chief Operating Officer; (c) a Transmittal of Revocation and Power of Attorney; (d) corrected drawings for Figs. 4A-D on four replacement sheets; (e) a Substitute Sequence Listing in computer readable form and paper copy; (f) a return copy of the Notice to Comply; and (g) a Petition for Extension of Time for four (4) months, from June 22, 2003 to and including October 22, 2003.

No fee is believed to be due in connection with this submission. However, should the Patent and Trademark Office determine otherwise, please charge the required amount to Pennie & Edmonds LLP's Deposit Account No. 16-1150.